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SENATE

{ REPORT
106-330

NATIONAL LAW ENFORCEMENT MUSEUM ACT

JULY 10, 2000.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1438]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1438) to establish the National Law Enforcement Museum on Federal land in the District of Columbia, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the “National Law Enforcement Museum Act”.

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMORIAL FUND.—The term “Memorial Fund” means the National Law Enforcement Officers Memorial Fund, Inc.

(2) MUSEUM.—The term “Museum” means the National Law Enforcement Museum established under section 4(a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) ESTABLISHMENT.—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property directly south of the National Law Enforcement Officers Memorial, bounded by—

- (1) E Street, NW., on the north;
- (2) 5th Street, NW., on the west;
- (3) 4th Street, NW., on the east; and
- (4) Indiana Avenue, NW., on the south.

(b) DESIGN AND PLANS.—

(1) IN GENERAL.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) APPROVAL.—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(3) DESIGN REQUIREMENT.—The Museum shall be designed so that not more than 35 percent of the volume of the structure is above the floor elevation at the north rear entry of Court Building D, also known as the “Old City Hall.”

(c) OPERATION.—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) FEDERAL SHARE.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) FUNDING VERIFICATION.—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

(f) FAILURE TO CONSTRUCT.—If the Memorial Fund fails to begin construction on the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

PURPOSE OF THE MEASURE

The purpose of S. 1438 is to authorize the National Law Enforcement Officers Memorial Fund to establish the National Law Enforcement Museum on Federal land in Washington, D.C.

BACKGROUND AND NEED

The National Law Enforcement Officers Memorial was authorized in 1984 under Public Law 98–534, and was dedicated in 1991. The memorial was built on federal property in the District of Columbia by the National Law Enforcement Officers Memorial Fund (Memorial Fund), a non-profit organization. The site is highlighted by the names of more than 15,000 Federal, State, and local law enforcement officers who have died in the line of duty.

In 1993, the Memorial Fund established a visitor center approximately two blocks away from the memorial which includes a small museum exhibit area, a gift shop, and offices for the Memorial Fund staff.

The Memorial Fund desires to build a facility to serve as the most comprehensive law enforcement museum and research facility anywhere in the world, and which would be the premiere source of information on issues related to law enforcement history and safety. The museum is intended to complement the existing National Law Enforcement Officers Memorial, and is proposed to be located directly across the street.

In addition, the museum would help to improve public understanding and support for the law enforcement profession, and its research component would serve as a tool for policy makers and law enforcement trainers in their efforts to make the profession safer and more effective.

S. 1438 authorizes the Memorial Fund to construct the Museum on Federal property that was transferred to the District of Columbia in 1970 for municipal purposes. The property is located on E Street between 4th and 5th Streets, NW, and is currently used as a parking lot for the District of Columbia Courts. All funds used in the construction of the Museum will come from private donations.

LEGISLATIVE HISTORY

S. 1438 was introduced by Senator Campbell on July 27, 1999. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 1438 on April 27, 2000. At its business meeting on June 7, 2000, the Committee on Energy and Natural Resources ordered S. 1438, favorably reported, as amended.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on June 7, 2000, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1438, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 1438, the Committee adopted an amendment in the nature of a substitute that includes a provision directing that a certain percentage of the museum be placed below street level. The amendment requires the Secretary of the Interior to verify that sufficient funds have been raised prior to authorizing construction, and deletes the requirement for the National Park Service and the General Services Administration to provide maintenance of the completed museum. The amendment is described in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "National Law Enforcement Museum Act".

Section 2 contains Congressional findings.

Section 3 defines the term "Memorial Fund" to mean the National Law Enforcement Officers Memorial Fund; the term "Museum" to mean the National Law Enforcement Museum established under section 4(a), and; the term "Secretary" to mean the Secretary of the Interior.

Section 4(a) authorizes the Memorial Fund to construct a National Law Enforcement Museum on Federal land across the street from the National Law Enforcement Officers Memorial in Washington, D.C.

Subsection (b) states that the Memorial Fund will be responsible for preparing the design and plans for the Museum.

Paragraph (2) requires the design and plans to be approved by the Secretary, the Commission of Fine Arts, and the National Capital Planning Commission.

Paragraph (3) requires that not more than 35 percent of the structure be located above ground.

Subsection (c) states that the Memorial Fund will own, operate, and maintain the museum after it is completed.

Subsection (d) states that the United States will not pay any expenses incurred in the establishment or construction of the Museum.

Subsection (e) requires the Secretary to verify that sufficient funds are available to complete construction of the Museum before authorizing construction to begin.

Subsection (f) states that the authorization to construct the Museum will expire 10 years after the date of enactment if the Memorial Fund fails to begin construction within that period.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 13, 2000.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1438, the National Law Enforcement Museum Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 1438—National Law Enforcement Museum Act

S. 1438 would authorize the National Law Enforcement Officers Memorial Fund, Inc., to construct on federal land a museum honoring law enforcement officers. The museum would be located across the street from the National Law Enforcement Officers Memorial. Because the Memorial Fund would be responsible for all costs associated with constructing, operating, and maintaining the museum, CBO estimates that implementing S. 1438 would have no significant impact on the federal budget.

The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1438 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not impose significant costs on state, local, or tribal governments.

The CBO staff contact is John R. Righter. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1438. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1438, as ordered reported.

EXECUTIVE COMMUNICATIONS

On April 27, 2000, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1438. These reports had not been received at the time the report on S. 1438 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JOHN G. PARSONS, ASSOCIATE REGIONAL DIRECTOR FOR LANDS, RESOURCES, AND PLANNING, NATIONAL PARK SERVICE, NATIONAL CAPITAL REGION, AND CHAIRMAN, NATIONAL CAPITAL MEMORIAL COMMISSION

Mr. Chairman, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 1438, a bill to establish a National Law Enforcement Museum on Federal land in the District of Columbia.

The Department would not object to this legislation if it were amended as proposed in this testimony.

S. 1438 authorizes the National Law Enforcement Officers Memorial Fund to design, plan, and construct a National Law Enforcement Museum on land within U.S. Reservation 7 in the District of Columbia south of the National Law Enforcement Officers Memorial. Reservation 7 is one of the original public reservations of the City of Washington and, with the exception of the Memorial, is under the jurisdiction of the District of Columbia. Reservation 7 is listed in the National Register of Historic Places as a significant element of the L'Enfant Plan.

The museum site defined in Section 4(a) of S. 1438 is partially occupied by three buildings. The largest building, occupying the center of the site is the Old City Hall, a National Historic Landmark, now occupied by the Superior Court of the District of Columbia. Smaller, separate buildings contain offices of the District of Columbia Government and the United States Court of Appeals for the Armed Forces. We understand that the specific site for the proposed museum is currently occupied by a parking lot for the Superior Court of the District of Columbia. We further understand that the Court may be considering use of the proposed museum site as expansion space.

From an historic preservation standpoint we are concerned about the impact of locating a new building within this complex of six historic public buildings dating from 1820 to 1939 known as Judiciary Square. Rather, we believe consideration should be given to placing the museum within one of the existing buildings which is adjacent to the National Law Enforcement Officers Memorial now occupied by the Superior Court for the District of Columbia.

If a museum cannot be placed within an existing building, we believe that placing the National Law Enforcement

Museum below ground, in the area of the parking lot, with a garden on the roof of the museum, is a better alternative than a new above-grade building. This concept would be similar to the Arthur M. Sackler Gallery and the National Museum of African Art, adjacent to the Castle Building of the Smithsonian Institution on Independence Avenue.

Section 4(c)(2) of S. 1438 also directs the Secretary of the Interior to maintain the exterior of the museum and the exterior grounds of the museum. The entities managing each of the 70 museums in the District of Columbia maintain their exterior structures and grounds without assistance from the Department of the Interior. Similar facilities associated with the United States Navy Memorial and the Memorial to Women in Military Service for America are the sole responsibility of the foundations that sponsored those memorials. The National Park Service, of course, has responsibility for the management and operation of the memorials themselves.

The U.S. Navy Memorial Foundation rents commercial space adjacent to the Navy Memorial. The Memorial to Women in Military Service for America Foundation built and operates the education center that is located behind the memorial at the entrance to Arlington National Cemetery. We have a strong partnership with both Foundations for events that occur at the memorials. However, we have no maintenance responsibilities for the museum or educational spaces that relate to those functions. We have no reason to believe that the addition of a museum in the vicinity of the National Law Enforcement Officers Memorial would impact our relationship with the National Law Enforcement Officers Memorial Fund. However, we do not support Federal maintenance and operation of privately managed educational or museum facilities. We suggest that the subsection on maintenance by the Secretary of the Interior be deleted.

S. 1438 requires that no Federal funds shall be expended for the construction of the museum, that the Law Enforcement Officers Memorial Fund provide documentation to the Secretary of the Interior that adequate funds have been raised to complete the museum, and that the authority to complete the museum shall expire if this certification has not been provided within 7 years of the enactment of the legislative authority which would be granted by S. 1438. These requirements are similar to those provided under the Commemorative Works Act, which provides direction in the establishment and placement of memorials on parkland in the District of Columbia and its environs. However, the Commemorative Works Act is not applicable to museums, or structures intended to function as museums. While the Secretary of the Interior is charged with the responsibility of making a determination of sufficient funds for memorials proposed to be built on lands under the jurisdiction of this Department, U.S. Reservation 7 is managed by the District of Columbia. However,

the Secretary would be willing to be responsible to verify that sufficient funds are available for the project.

That concludes my prepared testimony on S. 1438, and I would be happy to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1438, as ordered reported

